

SENATE BILL 269

Unofficial Copy  
J2

2003 Regular Session  
(31r0307)

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Health and Government Operations --

Introduced by **Senator Hollinger (Chairman, Education, Health, and Environmental Affairs Committee)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Sunset Review - State Board of Nursing - Electrology Practice Committee**

3 FOR the purpose of repealing certain provisions of law ~~authorizing~~ relating to the  
4 State Board of Electrologists; specifying that this Act does not limit the right of  
5 certain individuals to practice certain occupations; requiring the State Board of  
6 Nursing to adopt certain regulations related to electrologists and electrology  
7 instructors; requiring the Board to set certain fees and to pay certain fees  
8 collected to the Comptroller of the State; requiring the Comptroller to distribute  
9 certain fees to the Board; establishing the Electrology Practice Committee;  
10 specifying the membership, terms, powers, and duties of the Committee;  
11 prohibiting the practice of electrology without a license; specifying the  
12 qualifications for licensure as an electrologist or an electrology instructor;  
13 establishing an application process for licensure; providing for the examination  
14 of an applicant for licensure; specifying the expiration date of certain licenses  
15 and requiring the Board to send a certain renewal notice by a certain date;  
16 requiring the Board to place certain licensees on inactive status under certain

1 circumstances; requiring the Board to reinstate certain licenses in certain  
 2 circumstances; prohibiting the surrender of certain licenses under certain  
 3 circumstances; requiring the Board to approve a certain electrology education  
 4 program under certain circumstances; authorizing the Board to remove a  
 5 certain electrology education program under certain circumstances; authorizing  
 6 the Board to deny a license to a certain applicant, grant a probationary license  
 7 to a certain applicant, reprimand a certain licensee, place a certain licensee on  
 8 probation, or suspend or revoke a certain license under certain circumstances;  
 9 specifying certain grounds for discipline of certain licensees subject to certain  
 10 hearing requirements; authorizing the Board to impose certain penalties under  
 11 certain circumstances; providing for the appeal of a final decision of the Board  
 12 under certain circumstances; authorizing the Board to reinstate certain revoked  
 13 licenses under certain circumstances; prohibiting an individual from making  
 14 certain representations by title, description of service, method, procedure, or  
 15 otherwise unless authorized to practice electrology; prohibiting advertising that  
 16 is unreasonable, misleading, or fraudulent; ~~specifying that only certain titles~~  
 17 ~~may be used to identify electrologists~~; authorizing the Board to adopt rules and  
 18 regulations relating to the types of instruments and procedures used in the  
 19 practice and teaching of electrology; providing for an electrologist rehabilitation  
 20 committee to provide assistance under certain circumstances; requiring that a  
 21 certain notice be displayed under certain circumstances; establishing certain  
 22 penalties for a violation of this Act; providing that the Committee be subject to  
 23 the provisions of the Maryland Program Evaluation Act; requiring that an  
 24 evaluation of the Committee and the statutes and regulations that relate to the  
 25 Committee be performed on or before a certain date; requiring that certain  
 26 individuals be considered licensed by the Board under certain circumstances;  
 27 requiring the transfer of all the functions, powers, duties, equipment, revenues,  
 28 assets, liabilities, fund balances, and records of the State Board of Electrologists  
 29 to the Committee; defining certain terms; and generally relating to the creation  
 30 of the Electrology Practice Committee within the State Board of Nursing.

31 BY repealing

32 Article - Health Occupations  
 33 Section 6-101 through 6-702, inclusive, and the title "Title 6. Electrologists"  
 34 Annotated Code of Maryland  
 35 (2000 Replacement Volume and 2002 Supplement)

36 BY adding to

37 Article - Health Occupations  
 38 Section 8-6B-01 through 8-6B-29 to be under the new subtitle "Subtitle 6B.  
 39 Electrologists"  
 40 Annotated Code of Maryland  
 41 (2000 Replacement Volume and 2002 Supplement)

42 BY repealing and reenacting, without amendments,

43 Article - State Government  
 44 Section 8-403(a)

1 Annotated Code of Maryland  
2 (1999 Replacement Volume and 2002 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - State Government  
5 Section 8-403(b)(22)  
6 Annotated Code of Maryland  
7 (1999 Replacement Volume and 2002 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That Section(s) 6-101 through 6-702, inclusive, and the title "Title 6.  
10 Electrologists" of Article - Health Occupations of the Annotated Code of Maryland be  
11 repealed.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
13 read as follows:

14 **Article - Health Occupations**

15 **SUBTITLE 6B. ELECTROLOGISTS.**

16 8-6B-01.

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (B) "BOARD" MEANS THE STATE BOARD OF NURSING.

20 (C) "COMMITTEE" MEANS THE ELECTROLOGY PRACTICE COMMITTEE.

21 (D) "ELECTROLOGIST" MEANS AN INDIVIDUAL WHO PRACTICES  
22 ELECTROLOGY.

23 (E) "ELECTROLOGY INSTRUCTOR" MEANS AN INDIVIDUAL WHO PRACTICES  
24 ELECTROLOGY AND TEACHES AN ELECTROLOGY EDUCATION PROGRAM.

25 (F) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A  
26 LICENSE ISSUED BY THE BOARD:

27 (1) TO PRACTICE ELECTROLOGY; OR

28 (2) TO PRACTICE ELECTROLOGY AND TEACH AN ELECTROLOGY  
29 EDUCATION PROGRAM.

30 (G) "LICENSED ELECTROLOGIST" MEANS, UNLESS THE CONTEXT REQUIRES  
31 OTHERWISE, AN ELECTROLOGIST WHO IS LICENSED BY THE BOARD TO PRACTICE  
32 ELECTROLOGY.

1 (H) "LICENSED ELECTROLOGY INSTRUCTOR" MEANS, UNLESS THE CONTEXT  
2 REQUIRES OTHERWISE, AN ELECTROLOGIST WHO IS LICENSED BY THE BOARD TO  
3 PRACTICE ELECTROLOGY AND TEACH AN ELECTROLOGY EDUCATION PROGRAM.

4 (I) "PRACTICE ELECTROLOGY" MEANS TO REMOVE HAIR PERMANENTLY  
5 THROUGH THE USE OF ELECTRICAL INSTRUMENTS.

6 8-6B-02.

7 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A  
8 HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER  
9 THIS ARTICLE.

10 8-6B-03.

11 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE OF  
12 ELECTROLOGISTS AND FOR THE PRACTICE OF ELECTROLOGY.

13 8-6B-04.

14 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE OF  
15 AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES TO  
16 ELECTROLOGISTS.

17 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO  
18 APPROXIMATE THE COST OF MAINTAINING THE LICENSURE AND THE OTHER  
19 SERVICES PROVIDED TO ELECTROLOGISTS.

20 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE  
21 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER OF THE STATE.

22 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD.

23 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT  
24 AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES  
25 OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS SUBTITLE.

26 8-6B-05.

27 (A) THERE IS AN ELECTROLOGY PRACTICE COMMITTEE WITHIN THE BOARD.

28 (B) (1) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE  
29 BOARD.

30 (2) OF THE FIVE COMMITTEE MEMBERS:

31 (I) FOUR SHALL BE LICENSED ELECTROLOGISTS OR LICENSED  
32 ELECTROLOGY INSTRUCTORS; AND

33 (II) ONE SHALL BE A CONSUMER MEMBER.

1 (C) EACH MEMBER OF THE COMMITTEE SHALL BE A CITIZEN OF THE UNITED  
2 STATES AND A RESIDENT OF THE STATE.

3 (D) EACH ELECTROLOGIST MEMBER OF THE COMMITTEE SHALL HAVE  
4 PRACTICED ELECTROLOGY ACTIVELY IN THE STATE FOR AT LEAST 5 YEARS  
5 IMMEDIATELY BEFORE APPOINTMENT.

6 (E) THE CONSUMER MEMBER OF THE COMMITTEE:

7 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

8 (2) MAY NOT BE OR EVER HAVE BEEN:

9 (I) AN ELECTROLOGIST;

10 (II) A HEALTH CARE PROFESSIONAL; OR

11 (III) IN TRAINING TO BE AN ELECTROLOGIST OR A HEALTH CARE  
12 PROFESSIONAL;

13 (3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS AN  
14 ELECTROLOGIST, A HEALTH CARE PROFESSIONAL, IN TRAINING TO BE AN  
15 ELECTROLOGIST, OR IN TRAINING TO BE A HEALTH CARE PROFESSIONAL; AND

16 (4) MAY NOT:

17 (I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A COMMERCIAL  
18 OR PROFESSIONAL FIELD RELATED TO ELECTROLOGY;

19 (II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A  
20 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ELECTROLOGY; OR

21 (III) HAVE, OR HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT,  
22 A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

23 (F) (1) THE TERM OF A MEMBER IS 4 YEARS.

24 (2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY  
25 THE PROVISIONS FOR MEMBERS OF THE COMMITTEE ON JULY 1, 2003.

26 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
27 SUCCESSOR IS APPOINTED AND QUALIFIES.

28 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
29 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
30 QUALIFIES.

31 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL  
32 TERMS.

1 (6) TO THE EXTENT PRACTICABLE, THE BOARD SHALL FILL ANY  
2 VACANCY ON THE COMMITTEE WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

3 (G) (1) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR  
4 MISCONDUCT.

5 (2) THE BOARD MAY REMOVE A MEMBER WHO IS ABSENT FROM TWO  
6 SUCCESSIVE COMMITTEE MEETINGS WITHOUT ADEQUATE REASON.

7 8-6B-06.

8 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE  
9 COMMITTEE SHALL:

10 (1) MAKE RECOMMENDATIONS TO THE BOARD REGARDING  
11 REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

12 (2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING A CODE OF  
13 ETHICS FOR THE PRACTICE OF ELECTROLOGY;

14 (3) MAKE RECOMMENDATIONS TO THE BOARD REGARDING THE  
15 REQUIREMENTS FOR LICENSURE AS AN ELECTROLOGIST OR AN ELECTROLOGY  
16 INSTRUCTOR;

17 (4) REVIEW APPLICATIONS FOR LICENSURE AS AN ELECTROLOGIST OR  
18 ELECTROLOGY INSTRUCTOR AND MAKE RECOMMENDATIONS TO THE BOARD;

19 (5) MAINTAIN A LIST OF ALL CURRENTLY LICENSED ELECTROLOGISTS  
20 AND ELECTROLOGY INSTRUCTORS;

21 (6) MAKE RECOMMENDATIONS TO THE BOARD REGARDING  
22 CONTINUING EDUCATION REQUIREMENTS FOR ELECTROLOGISTS;

23 (7) AT THE REQUEST OF THE BOARD, INVESTIGATE COMPLAINTS  
24 AGAINST LICENSED ELECTROLOGISTS;

25 (8) REVIEW ELECTROLOGY EDUCATION PROGRAMS BOTH IN THE STATE,  
26 AND OUT OF STATE IN ACCORDANCE WITH § 8-6B-16 OF THIS SUBTITLE TO  
27 DETERMINE COMPLIANCE WITH THE STANDARDS OF THAT SECTION AND MAKE  
28 RECOMMENDATIONS TO THE BOARD REGARDING APPROVAL OR DISAPPROVAL OF  
29 THESE PROGRAMS;

30 (9) REVIEW ADVERTISING BY LICENSED ELECTROLOGISTS AND BY  
31 INSTITUTIONS THAT OFFER AN ELECTROLOGY PROGRAM AND MAKE  
32 RECOMMENDATIONS TO THE BOARD, AS NECESSARY;

33 (10) AT THE REQUEST OF THE BOARD, AFTER THE BOARD HAS RECEIVED  
34 A WRITTEN AND SIGNED COMPLAINT, INCLUDING A REFERRAL FROM THE  
35 COMMISSIONER OF LABOR AND INDUSTRY, CONDUCT AN UNANNOUNCED  
36 INSPECTION OF THE OFFICE OF AN ELECTROLOGIST, OTHER THAN AN OFFICE OF AN

1 ELECTROLOGIST IN A HOSPITAL, RELATED INSTITUTION, FREESTANDING MEDICAL  
2 FACILITY, OR A FREESTANDING BIRTHING CENTER, TO DETERMINE COMPLIANCE AT  
3 THAT OFFICE WITH THE CENTERS FOR DISEASE CONTROL'S GUIDELINES ON  
4 UNIVERSAL PRECAUTIONS AND MAKE RECOMMENDATIONS TO THE BOARD, AS  
5 NECESSARY;

6 (11) AT THE REQUEST OF THE BOARD, AFTER THE BOARD HAS RECEIVED  
7 NOTICE THAT AN ELECTROLOGIST HAS OPENED AN OFFICE, AFTER NOTIFYING THE  
8 ELECTROLOGIST, CONDUCT AN INSPECTION OF THE OFFICE TO DETERMINE  
9 COMPLIANCE WITH THE BOARD'S REGULATIONS RELATING TO THE MINIMUM  
10 REQUIREMENTS FOR AN OFFICE AND MAKE RECOMMENDATIONS TO THE BOARD, AS  
11 NECESSARY;

12 (12) ADVISE THE BOARD ON MATTERS RELATING TO THE PRACTICE OF  
13 ELECTROLOGY;

14 (13) KEEP A RECORD OF ITS PROCEEDINGS; AND

15 (14) SUBMIT AN ANNUAL REPORT TO THE BOARD.

16 8-6B-07.

17 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL  
18 SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE  
19 ELECTROLOGY OR TEACH AN ELECTROLOGY EDUCATION PROGRAM IN THE STATE.

20 ~~(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED  
21 PRACTICAL NURSE MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING  
22 ELECTROLOGY IN THE STATE WITHOUT A LICENSE.~~

23 ~~(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED  
24 REGISTERED NURSE MAY NOT EMPLOY OR SUPERVISE AN INDIVIDUAL PRACTICING  
25 ELECTROLOGY IN THE STATE WITHOUT A LICENSE.~~

26 ~~(D)~~ (B) THIS SECTION DOES NOT APPLY TO A STUDENT WHO IS PRACTICING  
27 ELECTROLOGY AS PART OF AN APPROVED CLINICAL ELECTROLOGY EDUCATION  
28 PROGRAM.

29 8-6B-08.

30 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL  
31 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

32 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

33 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

34 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN APPLICANT  
35 SHALL BE A HIGH SCHOOL GRADUATE OR HAVE COMPLETED EQUIVALENT  
36 EDUCATION AND HAVE COMPLETED SATISFACTORILY:

1 (1) AN ELECTROLOGY EDUCATION PROGRAM, TAUGHT BY A LICENSED  
2 ELECTROLOGY INSTRUCTOR, THAT INCLUDES AT LEAST 600 HOURS OF  
3 INSTRUCTION, AND HAS BEEN APPROVED BY THE BOARD; OR AND THAT INCLUDES:

4 (I) ~~INSTRUCTION IN THE THEORY OF ELECTROLOGY OF AT LEAST~~  
5 ~~200 HOURS; AND~~

6 (II) ~~INSTRUCTION IN THE CLINICAL PRACTICE OF ELECTROLOGY~~  
7 ~~OF AT LEAST 400 HOURS; OR~~

8 (2) AN ELECTROLOGY EDUCATION PROGRAM IN ANY OTHER STATE  
9 THAT THE BOARD DETERMINES IS SUBSTANTIALLY EQUIVALENT TO THAT REQUIRED  
10 BY ITEM (1) OF THIS SUBSECTION.

11 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE APPLICANT  
12 SHALL PASS AN EXAMINATION ~~GIVEN~~ APPROVED BY THE BOARD.

13 (F) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION, AN  
14 APPLICANT FOR AN ELECTROLOGY INSTRUCTOR LICENSE SHALL:

15 (1) BE A LICENSED ELECTROLOGIST;

16 (2) HAVE PRACTICED ELECTROLOGY ACTIVELY FOR AT LEAST 5 YEARS  
17 IMMEDIATELY BEFORE THE APPLICATION; ~~AND~~

18 (3) ~~PASS THE ELECTROLOGY INSTRUCTOR~~ AN EXAMINATION APPROVED  
19 BY THE BOARD; AND

20 (4) MEET ANY OTHER REQUIREMENTS SET FORTH IN REGULATIONS  
21 ADOPTED BY THE BOARD UNDER § 8-6B-03 OF THIS SUBTITLE.

22 8-6B-09.

23 (A) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

24 (1) SUBMIT TO THE BOARD:

25 (I) AN APPLICATION ON THE FORM THAT THE BOARD REQUIRES;  
26 AND

27 (II) EVIDENCE OF COMPLIANCE WITH THE REQUIREMENTS OF §  
28 8-6B-08 OF THIS SUBTITLE; AND

29 (2) PAY TO THE BOARD ~~AN EXAMINATION~~ A FEE SET BY THE BOARD.

30 (B) THE BOARD SHALL ISSUE THE APPROPRIATE LICENSE TO AN APPLICANT  
31 WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

1 8-6B-10.

2 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED  
3 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

4 (B) (1) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT LEAST  
5 ONCE A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

6 (2) THE BOARD MAY GIVE REEXAMINATIONS TO APPLICANTS WHO FAIL  
7 ALL OR PART OF THE EXAMINATION AT THE TIMES AND PLACES THAT THE BOARD  
8 DETERMINES.

9 (C) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE TIME  
10 AND PLACE OF EXAMINATION.

11 (D) ~~(+)~~ EXCEPT AS OTHERWISE PROVIDED UNDER THIS SUBTITLE, THE  
12 BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR  
13 EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

14 ~~(2)~~ ~~EACH EXAMINATION SHALL INCLUDE:~~

15 ~~(+)~~ ~~A SECTION ON THE THEORY OF ELECTROLOGY; AND~~

16 ~~(H)~~ ~~A SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY.~~

17 (E) (1) AN APPLICANT MAY RETAKE AN EXAMINATION OR A FAILED  
18 SECTION OF AN EXAMINATION AFTER PAYING A REEXAMINATION FEE SET BY THE  
19 BOARD.

20 (2) AN APPLICANT WHO FAILS TWO REEXAMINATIONS MAY RETAKE THE  
21 EXAMINATION ONLY IF THE APPLICANT:

22 (I) RETAKES THE ENTIRE EXAMINATION;

23 (II) PAYS THE FULL EXAMINATION FEE; AND

24 (III) COMPLETES AN EDUCATION PROGRAM THAT THE BOARD  
25 REQUIRES.

26 8-6B-11.

27 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE  
28 ~~THE THEORY SECTION OF THE~~ EXAMINATION REQUIREMENT OF THIS SUBTITLE FOR  
29 AN INDIVIDUAL WHO IS LICENSED TO PRACTICE ELECTROLOGY IN ANOTHER STATE.

30 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE  
31 APPLICANT:

32 (1) PAYS THE LICENSE FEE REQUIRED BY THE BOARD; AND

33 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

1 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS  
2 SUBTITLE;

3 (II) BECAME LICENSED IN THE OTHER STATE AFTER PASSING IN  
4 THAT STATE, OR ANY OTHER STATE, AN EXAMINATION THAT IS SUBSTANTIALLY  
5 EQUIVALENT TO ~~THE AN EXAMINATION FOR WHICH THE APPLICANT IS SEEKING THE~~  
6 WAIVER APPROVED BY THE BOARD; AND

7 (III) BECAME LICENSED IN THE OTHER STATE AFTER MEETING  
8 REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS  
9 OF THIS SUBTITLE.

10 8-6B-12.

11 (A) THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO:

12 (1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND

13 (2) PAYS A LICENSE FEE SET BY THE BOARD.

14 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES  
15 A LICENSE DESIGNATION AS:

16 (1) LICENSED ELECTROLOGIST; OR

17 (2) LICENSED ELECTROLOGY INSTRUCTOR.

18 8-6B-13.

19 (A) AN ELECTROLOGIST'S LICENSE ISSUED UNDER THIS SUBTITLE  
20 AUTHORIZES THE LICENSEE TO PRACTICE ELECTROLOGY WHILE THE LICENSE IS  
21 EFFECTIVE.

22 (B) AN ELECTROLOGY INSTRUCTOR'S LICENSE ISSUED UNDER THIS SUBTITLE  
23 AUTHORIZES THE LICENSEE TO PRACTICE ELECTROLOGY AND TO TEACH AN  
24 ELECTROLOGY EDUCATION PROGRAM WHILE THE LICENSE IS EFFECTIVE.

25 8-6B-14.

26 (A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE LICENSE  
27 IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

28 (B) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.

29 (C) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL  
30 SEND TO THE LICENSEE, BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF  
31 THE LICENSEE, A RENEWAL NOTICE THAT STATES:

32 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

1 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
2 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE  
3 THE LICENSE EXPIRES; AND

4 (3) THE AMOUNT OF THE RENEWAL FEE.

5 (D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE  
6 EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR  
7 TERM, IF THE LICENSEE:

8 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

9 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

10 (3) SUBMITS TO THE BOARD:

11 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD  
12 REQUIRES; AND

13 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
14 CONTINUING EDUCATION REQUIREMENT SET UNDER THIS SUBTITLE FOR LICENSE  
15 RENEWAL.

16 (E) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS  
17 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING  
18 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE RENEWAL  
19 OF LICENSES UNDER THIS SECTION.

20 (F) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS  
21 THE REQUIREMENTS OF THIS SECTION.

22 (G) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS, IF THE  
23 LICENSEE SUBMITS TO THE BOARD:

24 (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM  
25 REQUIRED BY THE BOARD; AND

26 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.

27 (2) THE BOARD SHALL REACTIVATE THE LICENSE OF AN INDIVIDUAL  
28 WHO IS ON INACTIVE STATUS, IF THE INDIVIDUAL:

29 (I) COMPLIES WITH ANY CONTINUING EDUCATION REQUIREMENT  
30 ESTABLISHED BY THE BOARD FOR THIS PURPOSE; ~~AND~~

31 (II) PAYS TO THE BOARD A REACTIVATION FEE SET BY THE BOARD;  
32 AND

33 (III) IS OTHERWISE ENTITLED TO BE LICENSED.

1 (3) IF THE INDIVIDUAL HAS BEEN ON INACTIVE STATUS FOR 5 YEARS OR  
2 MORE, BEFORE THE BOARD MAY REACTIVATE THE LICENSE, THE INDIVIDUAL MUST  
3 PASS AN EXAMINATION ~~GIVEN APPROVED BY THE BOARD THAT INCLUDES A SECTION~~  
4 ~~ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THIS SUBTITLE~~  
5 ~~AND THE REGULATIONS ADOPTED UNDER IT.~~

6 (H) THE BOARD, IN ACCORDANCE WITH ITS RULES AND REGULATIONS, SHALL  
7 REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS FAILED TO RENEW THE  
8 LICENSE FOR ANY REASON IF THE INDIVIDUAL:

9 (1) IS OTHERWISE ENTITLED TO BE LICENSED;

10 (2) COMPLIES WITH ANY CONTINUING EDUCATION REQUIREMENT  
11 ESTABLISHED BY THE BOARD FOR THIS PURPOSE;

12 (3) PAYS TO THE BOARD ~~ALL PAST DUE RENEWAL FEES AND A~~  
13 ~~REINSTATEMENT FEE SET BY THE BOARD; AND~~

14 (4) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE  
15 WITHIN 5 YEARS AFTER THE LICENSE ~~EXPIRES; AND~~ EXPIRES.

16 ~~(5) PASSES AN EXAMINATION GIVEN BY THE BOARD THAT INCLUDES A~~  
17 ~~SECTION ON THE CLINICAL PRACTICE OF ELECTROLOGY AND A SECTION ON THIS~~  
18 ~~SUBTITLE AND THE REGULATIONS ADOPTED UNDER IT.~~

19 (I) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN  
20 ELECTROLOGIST OR AN ELECTROLOGY INSTRUCTOR WHO FAILS TO APPLY FOR  
21 REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

22 (2) THE ELECTROLOGIST OR ELECTROLOGY INSTRUCTOR MAY BECOME  
23 LICENSED BY MEETING THE CURRENT REQUIREMENTS FOR OBTAINING A NEW  
24 LICENSE UNDER THIS SUBTITLE.

25 8-6B-15.

26 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE,  
27 A LICENSED ELECTROLOGIST OR LICENSED ELECTROLOGY INSTRUCTOR MAY NOT  
28 SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW  
29 WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING  
30 AGAINST THE LICENSEE.

31 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE  
32 LICENSED ELECTROLOGIST OR LICENSED ELECTROLOGY INSTRUCTOR UNDER  
33 INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT  
34 SURRENDER OF THE LICENSE.

35 8-6B-16.

36 (A) BEFORE AN INSTITUTION MAY OPERATE AN ELECTROLOGY EDUCATION  
37 PROGRAM IN THE STATE, THE BOARD SHALL APPROVE THE PROGRAM.

1 (B) THE BOARD SHALL APPROVE AN ELECTROLOGY EDUCATION PROGRAM IN  
2 THE STATE IF:

3 (1) THE MARYLAND HIGHER EDUCATION COMMISSION APPROVES THE  
4 PROGRAM; AND

5 (2) THE INSTITUTION THAT OFFERS THE PROGRAM SUBMITS EVIDENCE  
6 TO THE BOARD THAT THE INSTITUTION IS PREPARED TO:

7 (I) MEET THE STANDARDS ~~SET~~ ESTABLISHED IN REGULATIONS  
8 ADOPTED BY THE BOARD UNDER § 8-6B-03 OF THIS SUBTITLE; AND

9 (II) CARRY OUT AN EDUCATION PROGRAM IN:

10 1. THE THEORY OF ELECTROLOGY ~~IN ACCORDANCE WITH~~  
11 ~~THE PROVISIONS OF § 8-6B-08(D) OF THIS SUBTITLE~~; OR

12 2. THE CLINICAL PRACTICE OF ELECTROLOGY ~~IN~~  
13 ~~ACCORDANCE WITH THE PROVISIONS OF § 8-6B-08(D) OF THIS SUBTITLE~~.

14 (C) (1) THE BOARD PERIODICALLY MAY EVALUATE ELECTROLOGY  
15 PROGRAMS IN THE STATE AND PREPARE A WRITTEN REPORT.

16 (2) IF AN INSTITUTION THAT OFFERS AN APPROVED ELECTROLOGY  
17 EDUCATION PROGRAM VIOLATES ANY OF THE STANDARDS SET BY THE BOARD  
18 UNDER THIS SUBTITLE, THE BOARD SHALL GIVE THE INSTITUTION SPECIFIC,  
19 WRITTEN NOTICE OF THE VIOLATION.

20 8-6B-17.

21 ~~(A)~~ SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE AND §  
22 8-6B-19 OF THIS SUBTITLE, THE BOARD MAY REMOVE AN INSTITUTION FROM ITS  
23 LIST OF INSTITUTIONS THAT OFFER APPROVED ELECTROLOGY EDUCATION  
24 PROGRAMS IF THE INSTITUTION:

25 (1) IS GUILTY OF FRAUD OR DECEIT IN OBTAINING OR ATTEMPTING TO  
26 OBTAIN APPROVAL;

27 (2) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED  
28 STANDARDS FOR THE PRACTICE OF ELECTROLOGY;

29 (3) ADVERTISES IN A MANNER THAT THE BOARD DETERMINES  
30 VIOLATES § 8-6B-22 OF THIS SUBTITLE;

31 (4) VIOLATES THE STANDARDS SET UNDER THIS SUBTITLE AND DOES  
32 NOT CORRECT THE VIOLATION IN A REASONABLE TIME AFTER NOTICE IS GIVEN; OR

33 (5) NO LONGER OPERATES A PROGRAM THAT QUALIFIES FOR APPROVAL  
34 UNDER THIS SUBTITLE.

1 ~~(B) AN ACTION TAKEN UNDER THIS SECTION SHALL BE IN ACCORDANCE~~  
2 ~~WITH THE HEARING AND ADMINISTRATIVE AND JUDICIAL REVIEW PROVISIONS OF~~  
3 ~~THIS SUBTITLE.~~

4 8-6B-18.

5 (A) SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE AND §  
6 8-6B-19 OF THIS SUBTITLE, THE BOARD MAY DENY A LICENSE TO AN APPLICANT,  
7 GRANT A PROBATIONARY LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE,  
8 PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE  
9 APPLICANT OR LICENSEE:

10 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
11 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

12 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

13 (3) AS PART OF THE PRACTICE OF ELECTROLOGY, KNOWINGLY DOES AN  
14 ACT THAT EXCEEDS THE SCOPE OF THE PRACTICE OF ELECTROLOGY;

15 (4) IS GROSSLY NEGLIGENT IN PRACTICING OR TEACHING AN  
16 ELECTROLOGY EDUCATION PROGRAM;

17 (5) ACTS IN A MANNER INCONSISTENT WITH GENERALLY ACCEPTED  
18 STANDARDS FOR THE PRACTICE OF ELECTROLOGY;

19 (6) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A  
20 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY  
21 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA  
22 SET ASIDE;

23 (7) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF  
24 ANY STATE OR COUNTRY, CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR  
25 COUNTRY, OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED  
26 SERVICES OR THE VETERANS ADMINISTRATION FOR AN ACT THAT WOULD BE  
27 GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY  
28 STATUTES;

29 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

30 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

31 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS  
32 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER  
33 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL  
34 INDICATION;

35 (9) USES TYPES OF INSTRUMENTS OR PROCEDURES IN THE PRACTICE  
36 OF ELECTROLOGY THAT ARE NOT APPROVED BY THE BOARD;

- 1 (10) ADVERTISES IN A MANNER THAT VIOLATES THIS SUBTITLE;
- 2 (11) USES A TITLE NOT AUTHORIZED BY ~~§ 8-6B-22~~ ~~§ 8-6B-26~~ § 8-6B-23 OF  
3 THIS SUBTITLE;
- 4 (12) IS CURRENTLY ADJUDICATED AS BEING A DISABLED INDIVIDUAL  
5 UNDER TITLE 13 OF THE ESTATES AND TRUSTS ARTICLE;
- 6 (13) PRACTICES ELECTROLOGY WITH AN UNAUTHORIZED INDIVIDUAL OR  
7 SUPERVISES OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF  
8 ELECTROLOGY;
- 9 (14) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE  
10 PRACTICE OF ELECTROLOGY;
- 11 (15) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED  
12 BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE  
13 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;
- 14 (16) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;
- 15 (17) VIOLATES A PROVISION OF THIS SUBTITLE OR A RULE OR  
16 REGULATION ADOPTED BY THE BOARD;
- 17 (18) USES OR PROMOTES OR CAUSES THE USE OF A MISLEADING,  
18 DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER, PROMOTIONAL LITERATURE,  
19 OR TESTIMONIAL;
- 20 (19) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;
- 21 (20) PROMOTES THE SALE OF DEVICES, APPLIANCES, OR GOODS TO A  
22 PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;
- 23 (21) BEHAVES IMMORALLY IN THE PRACTICE OF ELECTROLOGY;
- 24 (22) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE PRACTICE  
25 OF ELECTROLOGY;
- 26 (23) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST  
27 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR  
28 WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE  
29 INDIVIDUAL IS HIV POSITIVE;
- 30 (24) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION WHERE  
31 IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS FOR  
32 DISEASE CONTROL'S GUIDELINES ON UNIVERSAL PRECAUTIONS;
- 33 (25) FAILS TO DISPLAY THE NOTICE REQUIRED UNDER ~~§ 8-6B-25~~ § 8-6B-26  
34 OF THIS SUBTITLE;

1 (26) FAILS TO ALLOW AN INSPECTION UNDER § 8-6B-06(10) AND (11) OF  
2 THIS SUBTITLE; OR

3 (27) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED  
4 BY THE BOARD.

5 (B) (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR  
6 SUSPENDED BY THE BOARD SHALL RETURN THE LICENSE TO THE BOARD.

7 (2) IF AT THAT TIME THE LICENSE IS LOST, THE INDIVIDUAL SHALL  
8 SEND A SWORN STATEMENT TO THIS EFFECT TO THE BOARD.

9 8-6B-19.

10 ~~(C)~~ (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE  
11 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER ~~§ 8-317 OF THIS~~  
12 ~~TITLE § 8-6B-17 OR § 8-6B-18 OF THIS SUBTITLE~~, IT SHALL GIVE THE ~~INDIVIDUAL~~  
13 ~~PERSON~~ AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A  
14 HEARING BEFORE THE BOARD.

15 ~~(D)~~ (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN  
16 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

17 ~~(E)~~ (C) THE HEARING NOTICE TO BE GIVEN TO THE ~~INDIVIDUAL PERSON~~  
18 SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A  
19 POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN  
20 ADDRESS OF THE ~~INDIVIDUAL PERSON~~ AT LEAST 30 DAYS BEFORE THE HEARING.

21 ~~(F)~~ (D) THE ~~INDIVIDUAL PERSON~~ MAY BE REPRESENTED AT THE HEARING  
22 BY COUNSEL.

23 ~~(G)~~ (E) (1) THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS  
24 IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION.

25 (2) IF, WITHOUT LAWFUL EXCUSE, ~~AN INDIVIDUAL~~ A PERSON DISOBEYS  
26 A SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH,  
27 TESTIFY, OR ANSWER A QUESTION, THEN ON PETITION OF THE BOARD, A COURT OF  
28 COMPETENT JURISDICTION:

29 (I) SHALL COMPEL COMPLIANCE WITH THE SUBPOENA; AND

30 (II) MAY HOLD THE ~~INDIVIDUAL PERSON~~ IN CONTEMPT OF COURT.

31 ~~(H)~~ (F) IF AFTER DUE NOTICE THE ~~INDIVIDUAL PERSON~~ AGAINST WHOM  
32 THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE  
33 BOARD MAY HEAR AND DETERMINE THE MATTER.

34 ~~(I)~~ (G) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED  
35 BY PROCEDURAL DEFECTS ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING OF  
36 CHARGES.

1 ~~8-6B-19-8-6B-20.~~

2 (A) IF AFTER A HEARING UNDER ~~§ 8-6B-18~~ ~~§ 8-6B-19~~ § 8-6B-19 OF THIS  
3 SUBTITLE THE BOARD FINDS THAT THERE ARE GROUNDS UNDER THAT SECTION TO  
4 SUSPEND OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT  
5 EXCEEDING \$5,000:

6 (1) INSTEAD OF SUSPENDING THE LICENSE; OR

7 (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

8 (B) THE BOARD SHALL ADOPT RULES AND REGULATIONS TO SET STANDARDS  
9 FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

10 (C) THE BOARD SHALL PAY A PENALTY COLLECTED UNDER THIS SECTION  
11 INTO THE GENERAL FUND OF THE STATE.

12 ~~8-6B-20-8-6B-21.~~

13 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ~~AN~~  
14 ~~INDIVIDUAL~~ A PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A  
15 CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

16 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

17 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE  
18 ADMINISTRATIVE PROCEDURE ACT.

19 (B) (1) ~~AN INDIVIDUAL~~ A PERSON AGGRIEVED BY A FINAL DECISION OF THE  
20 BOARD PURSUANT TO ~~§ 8-6B-18~~ ~~§ 8-6B-19~~ § 8-6B-19 OF THIS SUBTITLE MAY NOT  
21 APPEAL TO THE SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT  
22 JUDICIAL APPEAL.

23 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW  
24 OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

25 (C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.

26 ~~8-6B-21-8-6B-22.~~

27 ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN  
28 SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1 YEAR, THE BOARD MAY  
29 REINSTATE THE LICENSE AFTER 1 YEAR.

30 ~~8-6B-22-8-6B-23.~~

31 (A) UNLESS AUTHORIZED TO PRACTICE ELECTROLOGY, OR TO TEACH AN  
32 ELECTROLOGY PROGRAM UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT  
33 REPRESENT TO THE PUBLIC BY TITLE, DESCRIPTION OF SERVICE, METHOD,  
34 PROCEDURE, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE

1 ELECTROLOGY OR TO TEACH AN ELECTROLOGY EDUCATION PROGRAM IN THE  
2 STATE.

3 (B) NEITHER A LICENSEE NOR AN INSTITUTION THAT OFFERS AN APPROVED  
4 ELECTROLOGY EDUCATION PROGRAM MAY ADVERTISE IN A MANNER THAT IS  
5 UNREASONABLE, MISLEADING, OR FRAUDULENT.

6 (C) ~~(1) EXCEPT AS PROVIDED IN ITEM (2) OF THIS SUBSECTION, A LICENSEE~~  
7 ~~MAY USE ONLY THE TITLE "LICENSED ELECTROLOGIST" AND THE ABBREVIATION~~  
8 ~~"L.E.".~~

9 ~~(2) A LICENSED ELECTROLOGY INSTRUCTOR MAY USE THE TITLE~~  
10 ~~"LICENSED ELECTROLOGY INSTRUCTOR" AND THE ABBREVIATION "L.E.I." UNLESS~~  
11 ~~AUTHORIZED TO PRACTICE ELECTROLOGY OR INSTRUCT ELECTROLOGY UNDER THIS~~  
12 ~~SUBTITLE, A PERSON:~~

13 (1) MAY NOT USE THE DESIGNATION "ELECTROLOGIST", "LICENSED  
14 ELECTROLOGIST", "LICENSED ELECTROLOGY INSTRUCTOR", OR "ELECTROLOGY  
15 INSTRUCTOR"; AND

16 (2) MAY NOT USE THE ABBREVIATION "L.E." OR "L.E.I.".

17 ~~8-6B-23-8-6B-24.~~

18 (A) THE BOARD SHALL ADOPT RULES AND REGULATIONS THAT SPECIFY THE  
19 TYPES OF INSTRUMENTS AND PROCEDURES THAT THE BOARD APPROVES FOR USE IN  
20 THE PRACTICE AND TEACHING OF ELECTROLOGY.

21 (B) A LICENSEE MAY USE ONLY THOSE TYPES OF INSTRUMENTS AND  
22 PROCEDURES IN THE PRACTICE OF ELECTROLOGY OR TEACHING OF THE CLINICAL  
23 PRACTICE OF ELECTROLOGY THAT ARE APPROVED BY THE BOARD.

24 ~~8-6B-24-8-6B-25.~~

25 (A) IN THIS SECTION, "ELECTROLOGIST REHABILITATION COMMITTEE"  
26 MEANS A COMMITTEE THAT:

27 (1) IS DEFINED IN SUBSECTION (B) OF THIS SECTION; AND

28 (2) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION (D) OF  
29 THIS SECTION.

30 (B) FOR PURPOSES OF THIS SECTION, AN ELECTROLOGIST REHABILITATION  
31 COMMITTEE IS A SUBGROUP COMMITTEE OF THE COMMITTEE OR A COMMITTEE OF  
32 ANY ASSOCIATION REPRESENTING ELECTROLOGISTS THAT:

33 (1) IS RECOGNIZED BY THE COMMITTEE BOARD; AND

34 (2) INCLUDES BUT IS NOT LIMITED TO ELECTROLOGISTS.

1 (C) A AN ELECTROLOGIST REHABILITATION COMMITTEE ~~OF THE COMMITTEE~~  
2 ~~OR~~ RECOGNIZED BY THE BOARD MAY FUNCTION:

3 (1) SOLELY FOR THE COMMITTEE; OR

4 (2) JOINTLY WITH A REHABILITATION COMMITTEE REPRESENTING  
5 ANOTHER COMMITTEE, THE BOARD, OR ANOTHER BOARD OR BOARDS.

6 (D) FOR PURPOSES OF THIS SECTION, AN ELECTROLOGIST REHABILITATION  
7 COMMITTEE EVALUATES AND PROVIDES ASSISTANCE TO AN ELECTROLOGIST IN  
8 NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM, DRUG ABUSE,  
9 CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL  
10 CONDITION.

11 (E) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE  
12 PROCEEDINGS, RECORDS, AND FILES OF THE ELECTROLOGIST REHABILITATION  
13 COMMITTEE ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE IN  
14 ANY CIVIL ACTION ARISING OUT OF MATTERS THAT ARE BEING OR HAVE BEEN  
15 REVIEWED AND EVALUATED BY THE ELECTROLOGIST REHABILITATION COMMITTEE.

16 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A RECORD  
17 OR DOCUMENT THAT IS CONSIDERED BY THE ELECTROLOGIST REHABILITATION  
18 COMMITTEE AND THAT OTHERWISE WOULD BE SUBJECT TO DISCOVERY OR  
19 INTRODUCTION INTO EVIDENCE IN A CIVIL ACTION.

20 (3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES NOT  
21 INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A  
22 PROCEEDING BEFORE THE BOARD.

23 (F) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF  
24 JURISDICTION OF AN ELECTROLOGIST REHABILITATION COMMITTEE IS NOT CIVILLY  
25 LIABLE FOR ANY ACTION AS A MEMBER OF THE ELECTROLOGIST REHABILITATION  
26 COMMITTEE OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR  
27 CONTRIBUTING TO THE FUNCTION OF THE ELECTROLOGIST REHABILITATION  
28 COMMITTEE.

29 ~~8-6B-25, 8-6B-26.~~

30 IF AN ELECTROLOGIST IS ENGAGED IN THE PRIVATE PRACTICE OF  
31 ELECTROLOGY IN THE STATE, THE ELECTROLOGIST SHALL DISPLAY THE NOTICE  
32 DEVELOPED UNDER § 1-207 OF THIS ARTICLE CONSPICUOUSLY IN EACH OFFICE  
33 WHERE THE ELECTROLOGIST IS ENGAGED IN PRACTICE.

34 ~~8-6B-26.~~

35 ~~A LICENSEE MAY NOT USE A TITLE EXCEPT THE TITLES AUTHORIZED BY §~~  
36 ~~8-6B-22 OF THIS SUBTITLE.~~

1 8-6B-27.

2 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A  
3 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000  
4 \$5,000 OR IMPRISONMENT NOT EXCEEDING ~~6 MONTHS~~ 1 YEAR OR BOTH.

5 8-6B-28.

6 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND ELECTROLOGISTS ACT".

7 8-6B-29.

8 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE  
9 MARYLAND PROGRAM EVALUATION ACT, AND SUBJECT TO THE TERMINATION OF  
10 THIS TITLE UNDER § 8-802 OF THIS TITLE, THIS SUBTITLE AND ALL RULES AND  
11 REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO  
12 EFFECT AFTER JULY 1, 2013.

13 **Article - State Government**

14 8-403.

15 (a) On or before December 15 of the 2nd year before the evaluation date of a  
16 governmental activity or unit, the Legislative Policy Committee, based on a  
17 preliminary evaluation, may waive as unnecessary the evaluation required under this  
18 section.

19 (b) Except as otherwise provided in subsection (a) of this section, on or before  
20 the evaluation date for the following governmental activities or units, an evaluation  
21 shall be made of the following governmental activities or units and the statutes and  
22 regulations that relate to the governmental activities or units:

23 (22) [Electrologists, State Board of (§ 6-201 of the Health Occupations  
24 Article: July 1, 2003)] ELECTROLOGY PRACTICE COMMITTEE (§ 8-6B-05 OF THE  
25 HEALTH OCCUPATIONS ARTICLE: JULY 1, 2012);

26 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial  
27 members of the Electrology Practice Committee shall expire as follows:

28 (1) one member in 2005;

29 (2) two members in 2006; and

30 (3) two members in 2007.

31 SECTION 4. AND BE IT FURTHER ENACTED, That an individual who holds  
32 a valid license issued by the State Board of Electrologists on June 30, 2003, in all  
33 respects, shall be considered licensed by the State Board of Nursing. The State Board  
34 of Nursing shall issue a license to an individual who holds a valid license issued by

1 the State Board of Electrologists if the individual is of good moral character and has  
2 submitted to the State Board of Nursing, on or before June 30, 2004:

- 3 (1) an application on the form that the State Board of Nursing requires;
- 4 (2) evidence of the prior license; and
- 5 (3) a license fee set by the State Board of Nursing.

6 SECTION 5. AND BE IT FURTHER ENACTED, That on July 1, 2003, all the  
7 functions, powers, duties, equipment, revenues, assets, liabilities, fund balances, and  
8 records of the State Board of Electrologists shall be transferred to the Electrology  
9 Practice Committee within the State Board of Nursing.

10 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 2003.